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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,186	12/01/2003	Gregory J. Boss	YOR920030466US1	3429

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EXAMINER
DURAN, ARTHUR D

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3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/726,186	BOSS ET AL.
	Examiner	Art Unit	
	Arthur Duran	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*18 May 2010*</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-21,25-31 and 35-48* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1, 5-21,25-31 and 35-48* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claims 1, 5-21, 25-31, 35-48 have been examined.

Response to Amendment

The Amendment filed on 5/18/10 is sufficient to overcome the prior rejection.

However, a new 103 rejection has been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1, 5-21, 25-31, 35-48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cowden (2003/0098882) in view of Loughmiller (2005/0076084) in

view of Jeannin (20020083469).

Claim 1, 21, 31: Cowden discloses a method of managing a display of an

unsolicited instant advertisement, comprising:

detecting an attempt to display the unsolicited instant advertisement in a primary

browser window; and

relocating the unsolicited instant advertisement to an alternate location that is not

part of the primary browser window, without deleting the unsolicited instant

advertisement ([81]; Figures 7, 8).

Also, Cowden discloses the method of claim 1, wherein the alternate location comprises any one of a file or a database or container ([81]) or a secondary browser window ([81, 11]).

Additionally, on 5/18/10, Applicant added the following new claim amendments to the independent claims:

"characterizinq unsolicited instant advertisements in the database from metadata attached to content of the unsolicited instant advertisements; and

sorting the unsolicited instant advertisements in the database."

However, Cowden discloses a filtering criterion (Figure 7) and saving bad pop-ups for later viewing ([81] and rejection above). Cowden further discloses presenting ads of interest to the user (Figure 7; [10, 11]). Cowden does not explicitly disclose saving the unsolicited advertisement that meets the filtering criterion. However, Lougmiller discloses filtering, classifying, organizing, and storing both good and bad messages/pop-ups (Abstract, Figure 5) and that Loughmiller's system can work with a variety of content/messages including pop-ups ([14, 126, 129]). Loughmiller further discloses a database for storing ads ([34]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Lougmiller's filtering content and storing both good and bad content can be added to Cowden's filtering content and storing bad content. One would have been motivated to do this in order to allow Cowden's users to view ads of interest at their discretion. Cowden does not explicitly disclose using metadata to characterize the ads or that the ads can be sorted. However, Jeannin discloses filtering ads based on metadata ([16, 44]) and that

ads can be sorted or organized or searched based on metadata (claims 8, 16; [15, 44,

38]). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to add Jeannin's metadata with ads to Cowden's filtering

ads. One would have been motivated to do this in order to better filter ads.

Claims 5, 25, 35: Cowden discloses the method of claim 1, further comprising

automatically displaying the unsolicited instant advertisement in the primary browser

window if the unsolicited instant advertisement meets a user-defined authorization

criterion (Figure 7).

Claims 6, 26: Cowden discloses the method of claim 1, further comprising

filtering the unsolicited instant advertisement by a user-defined filtering criterion (Figure

7).

Claims 7, 27, 36: Cowden discloses the method of claim 6, further comprising

filtering the unsolicited instant advertisement by a plurality of user-defined filtering

criteria; and further automatically displaying the unsolicited instant advertisement in

the primary browser window if the unsolicited instant advertisement meets at least

some of the plurality of user-defined filtering criteria (Figure 7).

Claims 8, 28, 37: Cowden discloses the method of claim 6, further comprising

deleting the unsolicited instant advertisement that fails the filtering criterion (Figure 7;

[81]).

Claims 9, 29, 38: Cowden discloses the above. Cowden discloses a filtering

criterion (Figure 7) and saving bad pop-ups for later viewing ([81] and rejection above).

Cowden further discloses presenting ads of interest to the user (Figure 7; [10, 11]).

Cowden does not explicitly disclose saving the unsolicited advertisement that meets the

filtering criterion. However, Lougmiller discloses filtering, classifying, organizing, and

storing both good and bad messages/pop-ups (Abstract, Figure 5) and that

Loughmiller's system can work with a variety of content/messages including pop-ups

([14, 126, 129]). Therefore, it would have been obvious to one having ordinary skill in

the art at the time the invention was made that Lougmiller's filtering content and storing

both good and bad content can be added to Cowden's filtering content and storing bad

content. One would have been motivated to do this in order to allow Cowden's users to

view ads of interest at their discretion.

Claims 10, 30, 39: The prior art discloses the method of claim 9, Cowden further

discloses notifying a user that the unsolicited instant advertisement has been saved

(Figure 8; [81]).

Claims 11: The prior art discloses the method of claim 10, Cowden further

discloses notifying the user comprises presenting a visual indicator in the primary web

browser (Figure 8).

Claim 12: The prior art discloses the above. Cowden does not explicitly disclose

notifying the user comprises presenting an audible indicator. However, Cowden

discloses notifying the user via an alert (Figure 8) and Cowden discloses that the

computer has audio capabilities ([36]). Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made that Cowden can

alert the user with audible sounds. One would have been motivated to do this in order

to alert the user in a commonly known way of alerting users that is a desirable form for alerting to many users.

Claim 13: The prior art discloses the above. And, Cowden further discloses categorizing windows ([10]) and Loughmiller discloses prioritizing and categorizing windows that have been saved (citations above). Also, please see the rejection of claim 9 above.

Claims 14: The prior art discloses the method of claim 13, Cowden further discloses aggregating unsolicited instant advertisements in the alternate location ([81]).

Claim 15: The prior art discloses the method of claim 14, Cowden further discloses that the unsolicited instant advertisements are stored with corresponding descriptions ([107, 108]).

Claims 16: Cowden discloses the method of claim 1, further comprising recording an attempt to display an unsolicited instant advertisement is recorded in a log (Cowden, [63]; also, [8] in the Applicant's Specification as to "Background of the Invention").

Claim 17: Cowden discloses the method of claim 16, further comprising transmitting the log to the user ([112]).

Claim 18: Cowden discloses the method of claim 1, further comprising saving the unsolicited instant advertisement in an original form with corresponding text, graphics, and hypertext links ([81]).

Claims 19: Cowden discloses the method of claim 1, further comprising saving the unsolicited instant advertisement in a digest form without graphics ([81]).

Claims 20, 40: Cowden discloses the method of claim 1, wherein the unsolicited instant advertisement comprises any of a pop-up advertisement or a pop-under advertisement ([6]).

Claims 41, 44, 47. Loughmiller further discloses the method of claim 1, further including grouping the unsolicited instant advertisements in the database ([14, 129]).

Claims 42, 45, 48. Jeannin further discloses the method of claim 1, wherein the characterizing is based on at least one of products, content, and category of the unsolicited instant advertisements ([38]).

Claims 43, 46. Jeannin further discloses the method of claim 1, further including allowing an unsolicited instant advertisement of a user-specified topic to be displayed (claims 8, 16; [15, 44, 38]).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Please note the addition of Jeannin above. Also, note the following.

On 5/18/10, Applicant added the following new claim amendments to the independent claims:

"characterizinq unsolicited instant advertisements in the database from metadata attached to content of the unsolicited instant advertisements; and

sorting the unsolicited instant advertisements in the database."

Also, Applicant's arguments on 5/18/10, address these features.

However, Cowden discloses a filtering criterion (Figure 7) and saving bad pop-

ups for later viewing ([81] and rejection above). Cowden further discloses presenting

ads of interest to the user (Figure 7; [10, 11]). Cowden does not explicitly disclose

saving the unsolicited advertisement that meets the filtering criterion. However,

Lougmiller discloses filtering, classifying, organizing, and storing both good and bad

messages/pop-ups (Abstract, Figure 5) and that Loughmiller's system can work with a

variety of content/messages including pop-ups ([14, 126, 129]). Loughmiller further

discloses a database for storing ads ([34]). Cowden does not explicitly disclose using

metadata to characterize the ads or that the ads can be sorted. However, Jeannin

discloses filtering ads based on metadata ([16, 44]) and that ads can be sorted or

organized or searched based on metadata (claims 8, 16; [15, 44, 38]). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention

was made to add Jeannin's metadata with ads to Cowden's filtering ads. One would

have been motivated to do this in order to better filter ads.

Hence, the combination of the prior art renders obvious the features of the

Applicant's claims.

Conclusion

The following prior art made of record and not relied upon is considered pertinent

to applicant's disclosure:

aa) Lamkin 20060161635 at [276]; Plotnick 20050097599 at [150]; Lee

20040064833 at [9]; Brown 20020141544 at [25]; Jeannin 20020083469 at [44];

Broerman 7047313 at det[25] all disclose filtering ads based on metadata of ads;

a) Lapidous and Pennell disclose relevant features.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                        Arthur Duran
                                                        Primary Examiner
                                                        Art Unit 3622

/Arthur Duran/
Primary Examiner, Art Unit 3622
5/25/10